

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

UNITED STATES OF AMERICA)	
)	
v.)	1:20CR239-2
)	
EL SHAFEE EL SHEIKH,)	The Honorable T.S. Ellis, III
)	
Defendant.)	

MEMORANDUM IN SUPPORT OF MOTION TO SEAL

El Shafee Elsheikh, by counsel, moves this Honorable Court, pursuant to Local Crim. R. 49, for entry of an Order permitting him to file under seal the exhibits to Defendant's Reply to Government's Response in Opposition to Defendant's Motion to Suppress Statements. Sealing is necessary because Defendant's exhibits contain confidential information subject to a protective order.

The Court has the inherent power to seal materials submitted to it. See *United States v. Wuagnewx*, 683 F.2d 1343, 1351 (11th Cir. 1982); *State of Arizona v. Maypenny*, 672 F.2d 761, 765 (9th Cir. 1982); *Times Mirror Company v. United States*, 873 F.2d 1210 (9th Cir. 1989); see also *Shea v. Gabriel*, 520 F.2d 879 (1st Cir. 1975); *United States v. Hubbard*, 650 F.2d 293 (D.C. Cir. 1980); *In re Braughton*, 520 F.2d 765, 766 (9th Cir. 1975). "The trial court has supervisory power over its own records and may, in its discretion, seal documents if the public's right of access is outweighed by competing interests." *In re Knight Pub. Co.*, 743 F.2d 231, 235 (4th Cir. 1984).

Here, sealing, as opposed to redaction, is necessary to protect the confidential information contained within the exhibits, this information is subject to a protective order and there is no readability available way to redact this information without revealing confidential information. As

such the entirety of Defendant's exhibits ought to be placed under seal. The materials to be filed under seal would need to remain sealed as long as the protective order remains in effect.

The government has authorized counsel to represent that it does not opposes defense's motion to seal.

Accordingly, Mr. Elsheikh respectfully requests that this Court enter an order allowing him to file under seal the exhibits to his to Reply to Government's Response in Opposition to Defendant's Motion to Suppress Statements. A proposed Order is attached for the consideration of the Court.

Respectfully Submitted,

EL SHAFEE ELSHEIKH,
By Counsel

/s/

Nina J. Ginsberg, VSB # 19472
Zachary A. Deubler, VSB # 90669
DiMuroGinsberg, P.C.
1101 King Street, Suite 610
Alexandria, VA 22314
(703) 684-4333 (T)
nginsberg@dimuro.com
zdeubler@dimuro.com

/s/

Edward B. MacMahon, Jr., VSB # 25432
Law Offices of Edward B. MacMahon, Jr.
P.O. Box 25
107 East Washington Street
Middleburg, VA 20188
(540) 687-3902 (T)
ebmjr@macmahon-law.com

/s/

Jessica N. Carmichael, VSB #78339
Yancey Ellis, VSB #70970
Carmichael Ellis & Brock, PLLC
108 N. Alfred Street, 1st FL
Alexandria, Virginia 22314
(703) 684-7908
jessica@carmichaellegal.com
yancey@carmichaellegal.com

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of November 2021, I filed the foregoing pleading through the ECF system, which shall then send an electronic copy of this pleading to all parties in this action.

/s/
Zachary A. Deubler, Esq.